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**SUPPORT TO THE KYRGYZSTANI LEGAL DEFENSE COMMUNITY  
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**Year Two Annual Report  
October 1, 2012 – September 30, 2013  
American Bar Association Rule of Law Initiative**

**With a grant from the  
U.S. Agency for International Development**



*Advocates develop their lawyerly skills in a substantive training on civil cases.*

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## I. EXECUTIVE SUMMARY

Through funding from the U.S. Agency for International Development (USAID), the American Bar Association Rule of Law Initiative (ABA ROLI) initiated its three-year, \$1,599,100 program titled **Support to the Kyrgyzstani Legal Defense Community** in February 2012. To improve access to an impartial justice system, build public confidence in the legal system and promote stability in Kyrgyzstan, ABA ROLI uses a three-pronged approach focused on enhancing the capacity, skills, and knowledge of practicing attorneys and the next generation of Kyrgyzstani lawyers. The primary objectives of the program are:

1. To support the development and growth of a unified bar association and enhance the qualifications of attorneys to serve the needs of the public; and,
2. To equip future generations of lawyers with the advocacy skills and knowledge to provide quality legal representation to citizens in need in a fair and adversarial manner.

During Year Two, ABA ROLI continued to implement a series of activities to achieve these objectives, ranging from advocating for legislative reform in Parliament, to working with the Advocates Training Center (ATC) to provide innovative and topical Continuing Legal Education (CLE) training to lawyers throughout Kyrgyzstan, to supporting university legal clinics and curricula development.

In promoting the reform of the advocate community, ABA ROLI has been working to improve the advocates' qualification examination process by creating an electronic testing system and updating the content of the exam itself. The activities were conducted under a Memorandum of Understanding between USAID and the Ministry of Justice, signed in February 2012. The content is currently awaiting final approval of the Ministry of Justice of the Kyrgyz Republic. Roll out of the first electronic exam is delayed slightly (from September 2013 to November 2013) by the Ministry of Justice's heavy workload, which has prevented final review and approval of the exam content in accordance with the original timeline.

While supporting institutional change within the advocate community, ABA ROLI has also been providing opportunities for practical training and first-hand experience in order to enhance the skills and capability of current and future attorneys. Throughout the past work plan year, ABA ROLI and the ATC have enhanced the skills of 364 advocates (of whom 190 were female).

Further, by supporting six university clinics, this program has enabled 171, (73 male and 98 female) university students to develop practical skills and experience by providing 379 *pro bono* consultations to indigent clients. These students will join their peers in three new practical skills courses that were introduced into six universities in September 2013. The courses use teaching methodology and course content that is a radical departure from the traditional offerings of the leading Kyrgyz universities. The practical skills gained through the clinical program were demonstrated during a Client Consulting and Interviewing Competition among the Bishkek-based Legal Clinics where the winners were awarded prizes and offered the opportunity to intern in ABA ROLI's Bishkek office.

In addition to the above, ABA ROLI achieved significant successes during Year Two, including:

- **Worked with ATC staff to develop a strategic plan** to help the ATC build institutional capacity and sustainability;
- **conducted a series of 24 trainings for defense attorneys** on domestic violence, professional skills of advocates, commercial law, jury trial and various other topical issues in partnership with the ATC,;
- **Sponsored a roundtable in Issyk-Kul** to discuss the Law on Advocatura, which fostered lively discussion and garnered feedback from local defense advocates on the Law;

- Conducted a **study of legal clinics** in Bishkek, Osh, and Jalalabad that served as a baseline of legal clinics' practice to date and informed the terms and goals of the subgrant activities;
- **Signed a Memorandum of Understanding** with the Legal Clinics of six Kyrgyz university law faculties, which allowed 171 students to provide 379 consultations to indigent clients;;
- **Held an international conference** on the international advocacy experience for key stakeholders that promoted local discussion of reform of advocatura and built support for the Draft Law on Advocatura within the highest levels of government;
- **Developed three (3) practical skills courses that were introduced** as elective courses starting in the fall 2013 academic year into six (6) law school curriculums;
- **Conducted a training-of-trainers for 12 professors on the Educational Methodological Complex** for the three courses above that helps the teachers to make their courses effective using various teaching materials and innovative methodologies;
- **Held a Client Consulting and Interviewing Competition** for 5 Law Schools of Bishkek with 26 students participating. The winning team had an internship in the local ABA ROLI office;
- **USAID signed a Memorandum of Understanding with the Ministry of Justice of the Kyrgyz Republic** to facilitate cooperation on program activities, under which ABA ROLI supported the development of a computer-based qualification examination for advocates;
- Collaborated with a software company to develop a **new computer-based qualification examination for advocates** that will minimize the human factor within the examination process minimizing corruption and ensuring neutral and efficient grading of the bar exam;
- Formed a Working Group in collaboration with the Ministry of Justice to **develop and update over 1,000 questions for the advocates' qualification examination** to ensure content reflects current legal practice and legislations.

While ABA ROLI made significant progress towards achieving program goals and objectives, during Year Two, ABA ROLI encountered several challenges related to its activities with the establishment of a unified bar. Several of the original approved activities under ABA ROLI's first objective are dependent on passage of the draft Law on Advocatura. While this draft Law has gone through several iterations in previous years, if adopted in its current form, the Law would create a unified national bar, and drastically restructure current practices related to CLE, ethics standards, and create a fair and transparent qualification exam process. ABA ROLI has been advocating for passage of this law for several years. The draft Law was recommended for plenary review in early January 2012 by the relevant parliamentary committee tasked with its review, but required the support of the Committee Chair to progress. Throughout the past two years, the Chair has given positive verbal support for the passage of the Law, yet remains to take any action to move the Law forward.

Throughout Year Two, ABA ROLI presented two alternative approaches to programming that reflected this delay. The first, Alternative A (supporting legislative reform) relies on multi-faceted advocacy activities to encourage adoption of the draft Law. Alternative B presented activities, namely the creation of an independent Ethics Council for advocates, which would be pursued if the Law was rejected or seemed unlikely to pass.

At this juncture, ABA ROLI has determined, in cooperation with USAID, to reject Alternative B in favor of an enhanced Alternative A based on our analysis of the political situation in Kyrgyzstan and the realities on the ground. An independent Ethics Council would lack the advocates' community buy-in and clout to be an effective institution, and is therefore untenable as an activity. Instead, Enhanced Alternative A will address the proposed legislative changes by partnering with senior Members of the Parliament to introduce amendments to existing legislation, achieving the same goal of a unified national bar with the overt public support of leading politicians and lawyers. Past efforts and the proposed plan forward are detailed further under Objective One.

Please see Annex 1 for ABA ROLI's Activity M&E Plan and Annex 2 for ABA ROLI's Indicator Chart of Deliverables.

### ***Gender Mainstreaming Highlight***

ABA ROLI endeavours to include women into all of its activities, ensuring that the outcomes of this program benefit all members of society equally. In particular, ABA ROLI is proud to report that women engage equally in the many trainings and opportunities supported by USAID through this program. In addition to playing key leadership roles within the ATC, multiple legal clinics, and working groups, women constitute 52% of all participants at ATC trainings and nearly 57% of students engaged in the legal clinical education component. ABA ROLI will continue to ensure the participation of women in its activities throughout the remainder of the program, and be responsive to differences in engagement to ensure all participants have meaningful opportunities to enhance their practical skills and professionalism.

## **II. PROGRAM ACTIVITIES**

### **Objective One: Supporting Development and Growth of a Unified Bar Association and Well-Qualified Attorneys Able to Service the Needs of the Public**

#### ***Activity One: Support Passage of the Law on Advocatura and Inform Advocates about the Law***

There is a critical need for a competent and independent defense bar in Kyrgyzstan to safeguard citizens' rights and ensure efficient access to justice. A well-trained, independent, and self-regulating defense bar is a crucial component of an effective justice system, and will ensure that the citizens have access to qualified legal representation. Understanding the importance of this idea, ABA ROLI continued supporting stakeholders, the legal community, and Parliament Members to advocate for adoption of the draft Law on Advocatura.

ABA ROLI realizes that the legislative process is going to take time and requires many varied efforts. With that in mind, in Year Two ABA ROLI held on-going discussions with the ATC, defense advocates, Parliament, and the President's staff to identify challenges and discuss responsive solutions.

Throughout Year Two, ABA ROLI undertook a variety of activities to promote discussion and support for the draft law:

In October and November of 2012, ABA ROLI produced and ran a 40-minute television broadcast, produced under a U.S. Department of State –INL program. The segment, produced in both Russian and Kyrgyz, was a panel discussion between Members of Parliament, representatives of the Ministry of Justice, and prominent defense attorneys on key points of the draft law and various advantages and disadvantages it could hold. The broadcast, which was shown once in each language during primetime hours, reached even remote regions of Kyrgyzstan and brought the issues facing advocatura into the public sphere. Based on the

greatly increased number of calls and requests for further information both ABA ROLI and the ATC received following the airing of the shows, it was clear that the program reached its intended audience and succeeded in inspiring public discussion.



*Segments of candid interviews with citizens on their views of advocates activities were used to spark discussion amongst panelists*



*Members of the Parliament, representatives of the Offices of the President, the Prime Minister, the Prosecutor General's Office, the Supreme Court, the Ministry of Justice, members of the academic community, and representatives of the legal community from all regions of the country discuss the draft law on Advocatura and foreign experience in bar reform*

Following the broad, public televised event, ABA ROLI held a targeted conference for central stakeholders. On March 12, 2013, ABA ROLI in partnership with the Kyrgyz State Law Academy, Members of the Parliament, the Ministry of Justice, the Advocates' Training Center (ATC), and the German Society for International Cooperation (GIZ) hosted a conference (entitled: "Advocacy in contemporary society: approaches and its role and place in the system of law") which was designed to raise awareness of the benefits of a unified bar, by providing examples from the United States, Germany, and Kazakhstan on how their unified bars work, and showcasing the benefits of each. By taking this comparative approach, the organizers hoped to build support in the legal community for the concept, and pressure the Parliament to move the law forward. Following this meeting, the Chair of the Parliamentary committee promised to review the draft law once again based on the recommendations

and information presented and put it before Parliament for a general vote.

Despite the promising and widespread indications of support that ABA ROLI witnessed following these events, the draft Law did not pass in the committee. At this point, ABA ROLI began coordinating with the advocates to approach the leading members of the advocate community and Parliament who were supportive from the beginning to draft and submit amendments to existing legislation that would have the same substantive effect as the draft law. These amendments, part of Enhanced Alternative A, were sent to Members of Parliament Saparbaev and Tekebaev (two leading Members and well respected political figures) in mid-September, 2013 and are currently being reviewed by consultants of the above mentioned MPs.

ABA ROLI anticipates that this multi-pronged approach will increase the chances of meaningful reform. The proposed changes, which would raise the standards of the profession and call for unification of advocates has received largely positive support from the general advocate population, though there are opponents. Some advocates, most notably those advanced in their careers and entrenched in the system, view the increased responsibilities and requirements that this legislation would introduce as an increased burden on the profession and are not interested in taking on a greater role within the legal community. However, many advocates consider unification and the increased requirements as the necessary first step to regulating the industry and moving advocacy forward as a respectable and effective legal institution.

In the coming year, ABA ROLI is prepared to hold an additional public hearing or roundtable discussion, if it appears that doing so could have a tangible impact on the objective. Funding for such an activity would be balanced with other costs in the program, and might come at the cost of support to the future unified bar. ABA ROLI will continue to apprise USAID of developments related to the passage of the draft Law on Advocatura to ensure responsive activities are pursued.

#### **Activity One Expected Deliverables:**

- A series of three (3) roundtables held to increase advocate participation in the legislative process, and one (1) subsequent to the passage of the Law.

**Completed.** *Three (3) roundtables were held in March 2012 in Osh and Jalalabad for 63 advocates and representatives from the MOJ and one (1) roundtable was held in April in Issyk-Kul for 23 participants. A fourth roundtable will be scheduled should the Law on Advocatura pass.*

- Adoption of the Law on *Advocatura*.

***On Hold.*** The Law is still under consideration in Parliament, though the August 2012 Presidential decree #84, that sets out a roadmap for legal reform, has renewed momentum on the issue of legal professional and bar reform.

#### **Activity Two: Provide Institutional Support to the National Bar**

As this activity is tied to passage of the draft Law, many activities remained on hold during Year Two. These include support for the first congress of advocates, institutional and financial support for the newly created Bar Association, technical assistance to implement transitional provisions, and institutional capacity building.

#### **Activity Two Expected Deliverables:**

- First Congress of Advocates is held.  
***On Hold.*** The Activities to be completed contingent on the passage of the Law on *Advocatura*.
- The Bar Association is institutionally and financially supported.  
***On Hold.*** The Activities to be completed contingent on the passage of the Law on *Advocatura*.
- Transitional Provisions are implemented.  
***On Hold.*** The Activities to be completed contingent on the passage of the Law on *Advocatura*.
- Initial strategic planning meeting, a series of capacity-building trainings on financial management, administration and institutional development are conducted.  
***On Hold.*** The Activities to be completed contingent on the passage of the Law on *Advocatura*.

#### **Activity Three: Instituting an Ethics Council to Regulate the Defense Bar**

Further, ABA ROLI envisioned either supporting the Ethics Council of the new Bar Association, or building an independent council that would regulate the field until such a time as the national bar can support one themselves.

However, it has become clear that the key stakeholders for such a regulatory body do not consider this a feasible alternative and are not willing to support such an organization. For this reason, ABA ROLI will not be pursuing this activity and focus all the activities towards establishing unified bar with its ethical institutions to be able to regulate the advocates activities.

- Instituting an Ethics Council to Regulate the Defense Bar.  
***Not Feasible/ Reprogrammed.*** Based on analysis of the political situation in Kyrgyzstan and the realities on the ground ABA ROLI proposed rejecting instituting an Ethic Council in favor of Unified Bar an enhanced alternative that will address the required legislative changes through the development of amendments to existing legislation with the hope that a unified criminal defense bar can be established.

#### **Activity Four: Increasing Advocates' Qualifications Through Expanded Training**

CLE trainings at the ATC are core activities for ABA ROLI. These practical seminars are aimed at practicing attorneys, and are designed to enhance skills and abilities for lawyers, and encourage learning throughout a lawyer's career. The trainings cover a broad range of topics from practical skills and technical knowledge on specific regulations to trainings aimed at raising awareness of social problems like domestic violence.

The ATC has been providing high quality, practical and substantive legal trainings for practicing attorneys since its inception in 2008. To date, 572 attorneys have participated in their trainings. In addition to the trainings, the ATC library provides attorneys with access to more than 200 books and

“Toktom” informational legal system, a subscriber-based legal database. As well as materials from trainings are available on the ATC web-site ([www.centradvokatov.kg](http://www.centradvokatov.kg)).

During Year Two, ABA ROLI provided financial support to the ATC to enable it to expand its training topics and provide more frequent trainings, and offered technical support to develop trainings on new legislation and other topical issues. During this year, the ATC, with support from ABA ROLI, conducted 23 trainings in various locations throughout Kyrgyzstan.

As a result of these trainings, the lawyers are better prepared to positively manage their cases, and clients receive better and more effective representation. In a country where the reputation of lawyers remains low, the increased capability of lawyers and the positive experience of clients contribute to a changing public mind-set, and increase respect and responsibility for advocates. This, in turn, increases the prestige and importance of the judicial system and strengthens Rule of Law more broadly.

*“Having already a lot of experience, I understand that it isn't enough. That is why I accept invitations to participate in training programs enthusiastically; I try to participate in seminars, conferences, and trainings on a regular basis that are conducted by the Advocates Training Center with the support of ABA ROLI. If you ask me about my dream, I would answer that, as well as any young man, I dream about big house, a strong family and career. In my career, I would like to develop skills not only in the field of criminal law, but also in the field of civil law. And this training program helps me to increase my professional skills and professional level...”*

*Ilya Uglov, practicing defense attorney*

### Financial Support to the ATC

Based on the existing long-term subgrant agreement with the ATC, ABA ROLI continued to provide financial and technical support to the ATC throughout Year Two. This funding supported programmatic activities, office space, telephone and internet, website maintenance, and salaries for ATC staff. Technical support to the ATC includes:

- Identifying and developing new trainers to provide high-quality trainings;
- Developing and implementing a marketing plan to promote the ATC's activities among legal professionals;
- Helping ATC to create fee-generating opportunities for long-term sustainability.

### Expanded Trainings to Improve the Professional Qualifications of Defense Attorneys and improve the Sustainability of the ATC

*“The trainings provided by ABA ROLI for defense attorneys are very urgent and timely, especially when corruption is actively flourishing in the judicial system of our country which requires the defense attorneys to be two, three times stronger professionally to work effectively and defend properly their clients”.*

*Almaza Osmanova, training participant and practicing defense attorney, Spring 2013.*

ABA ROLI and the ATC worked with attorneys and training participants to identify and address the most pressing topics advocates are facing in Kyrgyzstan. A full chart of each training date and participation broken down by gender is included at the end of this activity. Below are brief descriptions of the trainings covered in Year Two:

#### **Jury trial skills training for defense attorneys**

As jury trials are scheduled to begin in Bishkek and Osh on January 1, 2015, ABA ROLI has begun to train advocates on jury trial techniques. This year, the ATC



presented a two-day long training on jury trial skills for 17 advocates of the Chui and Talas regions on October 19 and 20, 2012. The training focused on skills that will be essential to an effective defense attorney in a live jury trial case, but have never been used in-country before. Participants requested additional trainings on this and related topics. The vast majority (82%) indicated they would be able to apply the techniques and information to their current law practices.

### **Civil Cases**

Poor social and economic circumstances and a general lack of legal awareness causes many problems related to family and labor relationships. On November 1, 2012, the ATC conducted training on the "Specific nature of some categories of civil cases" for 19 defense attorneys in Jalalabad. The training used case studies and group work to engage participants on issues related to family and labor relations, two of the most common cases for advocates, strengthening the ability of advocates to effectively resolve their clients issues.



*Participants learn to identify void and voidable transactions, and remedies available*

### **Contracts and Invalid Transactions**

As Kyrgyzstan develops, civil and business laws are increasingly important to the economic development of the country. Both the World Bank and USAID have identified improving the legal commercial climate as goals for the next five years, highlighting the nascent stage of the current legal climate for investment and business practices. Knowledgeable commercial lawyers are a key necessity for this development. However, civil practice is a complicated branch of law, with difficult rules and procedures. While taught in law schools in Kyrgyzstan, the instruction available is not enough for practitioners to adequately represent the interests of their clients.

Fraudulent and inexpertly written agreements and contracts are common in Kyrgyzstan, due to a lack of well-qualified advocates and a general reluctance to hire attorneys to draw up agreements. This course focused on training advocates to recognize invalid transactions and also to create clear and legally binding agreements, which may prevent future invalid transactions.

Taking into account of importance of this field the ATC conducted four sessions of this training, in Issyk-Kul, Jalalabad, and Osh/Batken for 40 lawyers, among them 19 male and 21 female.

### **Domestic Violence**

Domestic violence is a serious problem that occurs in every culture and social group, but is particularly prevalent in Kyrgyz society. To address the great need for more resources and discussion of the problem, ABA ROLI and ATC offered four domestic violence trainings for advocates in central and northern Kyrgyzstan (Naryn and Issyk-Kul on November 20, 2012), in the south (Osh, Batken, and Jalalabad on December 4, 5, 2012) as well as in Bishkek (On January 12, 2013). Participant breakdown by date and gender can be found in the chart below. Many of the participants of these trainings have had no experience with domestic violence cases. This training gave these lawyers the basic information necessary to identify and pursue remedies for the victims, and encourage the judicial community to do so as well.

These trainings educated the participants on the basics of domestic, family, and gender based violence, as well as the technicalities and implications of the existing law on domestic violence and how it can be used to a client's benefit. One key outcome of this training is the increased ability of participants to obtain a Protection Order for victims of violence and abuse. The orders often cover a parent and their children, and carry strict and immediate consequences for violators.

Upon completion of this course, participants are also able to define domestic violence and factors that separate domestic violence from other forms of violence, identify different abusive behaviors that constitute domestic violence, identify different forms of domestic violence and describe how domestic violence is a violation of an individual, and commonly women's, rights. Advocates are able to better understand domestic violence and help spread information on the realities of violence against men, women, and children; and have greater knowledge of methods for preventing and responding to gender based violence.

Although not currently quantifiable, advocates have reported that they greatly increased their knowledge by participating and expect that it will greatly increase their ability to take on and resolve domestic violence cases. This change in attitudes and increased support for victims of domestic violence is evidence of the value of these trainings and the impact they have on a community.

### **Ethics**

The ATC conducted two trainings on Legal Ethics: one in the Chui and Talas regions (on December 8, 2012) and one for Issyk-Kul and Naryn regions (on November 21, 2012), reaching a total of 33 defense advocates. The training began with a discussion of the theory of professional ethics and went on to deal with legal ethics topics such as the client/lawyer relationship, conflict of interest, case assessment, and lawyer compensation. As described above, ABA ROLI plans to support an ethics council within the unified national bar, should the law on advocatura pass. These trainings contribute to an increased knowledge of legal ethics and familiarity with key themes and principles in the legal community and lay groundwork for a national approach to ethics regulation.

### **Attorney's Fees**

On January 18, 2013, the ATC conducted training on "Attorney's fees" for 10 advocates from Bishkek. Setting a fee is always a difficult task for lawyers. There are issues surrounding ability to pay, fairness of the fee to both parties, and the costs associated with providing legal services. This training addressed these concerns by presenting various methods for determining a fee and discussing contributing factors like complexity and scope of work.

*"I now feel I can set my fees in a way that is fairer to both me and the client, and also can argue more effectively in court in matters where the court will set the fee".*

*Murat Toktomatov, training participant and practicing defense attorney, Spring 2013.*

### **Professionalism and the image of an attorney**

On February 17, 2013, ATC conducted training on the "Image for attorneys" for fourteen (14) defense attorneys in Bishkek.

The training was led by the Head of the Inter district Court of Bishkek, who presented the many factors that contribute to how a person is perceived, and how that can make for a successful or unsuccessful lawyer. An interactive discussion allowed participants to evaluate the factors that contribute to an attorney's professional reputation such as professional competence, personal reputations, and appearance. They discussed how a positive image influences the relationship between the attorney and the client by developing trust and confidence in the capability of the attorney. The training stressed that the impression an attorney makes on individual clients and society in whole is a fundamental element of his/her

*"I thought I knew enough for my profession before coming to the training organized by ABA ROLI but I realized that there were so many important things which I did not know. As more I get from these trainings as more I want to get to know. The trainings give me great impulse for further work on my professionalism and I always seek participating in the trainings conducted by ABA ROLI".*

*Elina Djunushalieva, practicing defense attorney, member of the Advocates Union of the Kyrgyz Republic, Spring 2013.*

success and plays into the greater reputation of the legal profession.



*Defense attorneys attending the civil trial training learned how civil trial procedures differ from criminal trial procedures*

### **Training on Civil Trials**

On March 23, 2013 Judge Asanbekovna of the Leninsky district court in Bishkek, led 13 participants through an introduction to civil procedure. The course reviewed types of cases that could be tried under civil procedures (including forced civil commitments and electoral rights) and discussed common terms, procedures, and concepts of a civil case. There was also an instructor led discussion of trials, including trial procedure, the use and proper procedure for evidence, and the roles and responsibilities of the parties. The participants left the training more confident civil litigators, with increased skills to assist their clients.

Following these trainings the ATC conducted two trainings for 26 defense attorneys from Osh and Jalalabad on civil cases on June 7 and 8, 2013. Having a skills-based training in civil trials enabled advocates to better consider the civil consequences of decisions they made while representing a client in a criminal matter, and also allowed them to provide representation in associated civil trials.

### **Training on the Acquisition of Inheritance**

On March 30, 2013, ATC in cooperation with ABA ROLI conducted training for 17 defense attorneys from Bishkek on “The acquisition of inheritance”. Inheritance law in Kyrgyzstan is complicated and practitioners often lack training on the subject. Additionally, and unfortunately, many inheritance decisions are made by courts based on corrupt practices. To combat this, attorneys need to have a solid understanding of the law, and be able to argue well when disputes arise. This is another example of the theoretical training received in school needing to be augmented with practical training from experts in the field. Through this training, participants received instruction on opening an inheritance claim, distinctions in inheritance law, and issues that frequently occur in inheritance cases. The course emphasized practical skills for lawyers who do not usually handle these types of cases, and included a section on economic and financial implications of inheritance, and how to set attorney costs.

### **Land Law and Land Law Enforcement**

Land disputes make up a large portion of civil cases in the Kyrgyz Courts. The transition from state-owned land to private ownership has been difficult, with laws changing to meet society’s needs, and the government’s need to have fair and meaningful regulation over use and ownership of property. Therefore, to increase professional capacity of defense attorneys on land law, and in response to demand from lawyers on this topic, ABA ROLI and the ATC conducted four trainings on Kyrgyz land law and its enforcement for a total of 50 defense attorneys from Bishkek (April 13), from Issyk-Kul and Naryn regions (April 27), and from Osh and Jalalabad (June 9 and 10, respectively).

This training covered the conceptual and regulatory aspects of land law, including rights to ownership and transfer, zoning and use restrictions (including mining and other resources), and the rights of the state and other authorities to immovable property.

Participants reported that this training would be hugely helpful in their work, as many handle land law issues regularly. The trainer was also deeply involved in drafting the relevant legislation, and participants were sincerely appreciative of the opportunity to work through their questions with the ultimate expert.

This type of trainings are extremely helpful especially for younger advocates as they mature throughout their careers, and expand their areas of practice in the rapidly developing legal and regulatory climate of the Kyrgyz Republic. As one young lawyer said:

### **Ceremonial meeting of ATC trainers dedicated to the celebration of “Lawyers Day”**



*ABA ROLI and ATC staff thanks the ATC trainers for their dedication to professional development on*

On June 21, 2013, ABA ROLI and the ATC conducted a ceremonial meeting of all ATC trainers recognizing them for their commitment to improving the quality of trainings and education for defense advocates. In addition to celebrating the trainers for all of their hard work and dedication, the event also served as an opportunity for the most vocal and influential supporters of the advocate reform movement to meet and rejuvenate the support base. Among those present

were Members of the Parliament, the judiciary, the prosecutors’ office, multiple local bar associations, and others expressing the importance of the values and perspectives of the legal community.

### **Training for Notaries**

As Kyrgyzstan continues to modify and update their legislation, Parliament has made significant changes to the Law on Notaries. The revised Law decreases the authority of notaries in certain areas and updated common forms in others. There are 117 licensed state notaries in Kyrgyzstan, many of whom are unaware of these changes and continue to use old forms and act beyond their new scope of authority. While other branches of law enforcement are provided technical assistance (the judiciary and prosecutors have substantial training opportunities from the government and ABA ROLI provides regular training to advocates), little training has been given to notaries. At the request of the MOJ, ABA ROLI in cooperation with the ATC is providing trainings to notaries in order to improve their performance.

On March 13, 2013 the ATC in cooperation with ABA ROLI and Ministry of Justice conducted its first training on “Notaries practice and professional development skills” for 20 notaries of Bishkek city (8 notaries) and Chui region (12 notaries). The Head of the Department of Notaries and Advocates, the Chairmen of The Chamber of Notaries (an NGO), and a Legal Specialist from the Department of Notaries and Advocates were guest trainers for this event. Participants were provided with hand-outs, including reports, memos, and copies of the proper certificates and forms they will need to use.



*Trainer, Head of the Notary Department of the Ministry of Justice is awarding the participants with a certificate*

The training covered common notarial acts (including land transactions, inheritance, and division of property), and the use of the internet and legal databases in a notaries work. By the end of the training, participants had acquired theoretical and practical skills needed for effective notary practice, were informed of new laws regulating the field, and were able to work with other notaries to share skills and information. The next training for notaries will be held in October 2013.

The demographic breakdown of the trainings conducted during this year is as follows:

Topic	Date	# of attendees	Male	Female
Jury trial	19.10. 2012	17	5	12
Civil cases	01.11. 2012	19	9	10
Contracts	31.10.2012 02.11.2012	10 13	4 5	6 8
Domestic Violence	20.11.2012 04.12. 2012 05.12. 2012 12.01.2013	13 18 18 20	4 7 7 8	9 11 11 12
Legal ethics	21.11.2012 08.12.2012	15 18	9 6	6 12
Attorneys' fees	18.01.2013	10	6	4
Recognition of invalid transactions	02.11.2012 26.01.2013	10 7	4 6	6 1
Image of attorneys	17.02.2013	14	7	7
Training for Notaries	13.03.2013	20	6	14
Civil Trials	23.03.2013 07.06.2013 08.06.2013	13 26 26	11 12 12	2 14 14
Inheritance law	30.03.2013	17	8	9
Training on Land Law Issues	13.04.2013 27.04.2013 09.07.2013 10.07.2013	12 15 11 12	6 11 6 8	6 4 5 4
Training on "Problematic Issues in Land Law Enforcement" (Jalalabad)	09.06.2013	10	7	3
TOTAL		364	174	190

Total attendees – 364

Female – 52.20 %

Male – 47.80 %

In all of these trainings, the attendees gained theoretical and practical knowledge of the subject matter and were awarded certificates of participation.

### **Qualification Exam Preparation Course**

As mentioned above, ABA ROLI is providing technical support to the MOJ to revise the questions presented during the qualification exam. In order to prepare candidates for the new format and content, ABA ROLI will work with the ATC and the MOJ to host a pilot exam prep course for hopeful candidates. The training will be one-month long, five days a week, three hours per day. This qualification exam prep-course will be provided for a small fee to participants to help subsidize costs and to foster sustainability of the course within ATC in the long-term.

ABA ROLI and the ATC began working on this course, and will run the pilot session once the Ministry of Justice provides final approval to the exam content.

## ATC Sustainability

As described above, ABA ROLI provides technical and financial support to the ATC to cover operational expenses (rent, staff salaries, utilities). ABA ROLI also works closely with the ATC to build institutional capacity and foster sustainability.

In Year Two, ABA ROLI helped the ATC develop and implement a Strategic Plan. In a multi-day sustainability training in February 2013, ATC staff developed a clear plan and list of achievements for 2013, an organizational chart of the Center, an implementation plan for 2013, a list of up-coming trainings, and a list of possible topics to offer as for-pay courses. These tools will be used to further develop the sustainability and strength of the ATC. (*See Annex 3 for detailed plans and achievements for 2013.*)

The introduction of for-pay CLE courses builds on the sustainability work ABA ROLI has done with the ATC, for which the ATC prepared cost estimates for both half-day and full-day CLE courses, including a portion of overhead expenditures into this fee.

It may take some time for attorneys to get used to the idea of paying for CLE, however if the Advocatura bill passes, and mandatory CLE is enacted, this experience with the ATC will contribute to a culture where highly rated, fee-based CLE is the norm.



*ATC Staff collaborate on Strategic Planning activities in February, 2013*

### ***Sustainability Highlight – Implementing the Strategic Plan***

Following the extensive strategic planning session in the summer of 2012, the ATC took great steps throughout Year Two towards increasing its sustainability by introducing for-pay CLE courses, commonly referred to as commercial trainings, outside the scope of this award. In the past three months, 239 participants took part in 33 of these events, many of which covered topics that are not addressed under this program, including traffic laws and mining regulation, which proved to be the most popular courses. Course fees were between \$12 and \$30, depending on the length of the course. This cost, while manageable for the average Bishkek advocate, would not be feasible in the regions. As a result, the trainings were only advertised in Bishkek, and subsidized trainings will continue to be offered elsewhere in the country.

Based on these rates, ATC calculated that roughly 60% of the fees for a standard training went to direct training costs, including supplies and trainer fees. The remaining 40% went to overhead costs incurred by the ATC to host the event. At least 15 participants were needed in order to cover the costs of a single training, and unfortunately only 3 of the 30 trainings conducted this quarter managed to reach this threshold. While the most successful course had 27 participants, many had between 8-13 per session. While these fees did not completely cover the operating costs of each session, they nonetheless contributed greatly to the ATC's final expenses, and mark a significant milestone toward the ATC's self-sufficiency.

### **Activity Four Expected Deliverables:**

- Financial support provided to ATC.  
***In Progress.** ABA ROLI continues to provide financial support to the ATC under a multi-year sub-grant agreement. These funds are used to significantly improve the organizational capacity of the ATC, develop the training curricula of the organization, provide training to the trainers, and move towards sustainability.*
- Twelve (12) topical trainings conducted (four regions, three one-day training each).

***Completed and Exceeded.*** Topical trainings, including training on jury trials, are ongoing and ATC regularly plans for additional trainings. During Year Two, October 2012 through September 2013, ABA ROLI and the ATC provided twenty three (23) trainings for 353 participants.

#### **Activity Five: Computer-Based Qualification Examination for Defense Attorneys**

Through the Memorandum of Understanding between USAID and the Ministry of Justice mentioned above, ABA ROLI has been able to make significant progress towards the goal of introducing electronic entrance exams for new advocates.

Currently, a paper-based exam consisting of 100 questions is administered to prospective advocates, and primarily tests theoretical knowledge. Administration of the paper-based exam is difficult to control in a fair and unbiased manner. During the past several years in various countries throughout the world and particularly the former soviet sphere, qualification examinations for advocates, judges and other professionals have increasingly become computerized. Computer-based exams have several advantages over traditional paper exams, including the ability to provide randomly generated questions each time. Exams are graded instantaneously by the computer, with no human intervention. With the computer, electronic security measures are introduced to keep the questions and answers confidential, and results cannot be manipulated.



*Minister of Justice Almambet Shykmamatov and USAID Country Representative Carey Gordon sign a Memorandum of Understanding February 7, 2013.*

Throughout this work plan year ABA ROLI, with the support of the Ministry of Justice, organized a Bar Reform Working Group tasked with updated the content of the exam. The Working Group is composed of legal scholars, practicing lawyers, representatives of ABA ROLI and the Ministry of Justice, and is headed by Deputy Minister of Justice Jyldyz Mambetalieva. (See Annex 4 for the MOU and list of the members of the Working Group). On March 29 – 31, 2013, the Working Group met and completed a first revised draft of the 1000 question bank that serves as the basis of the exam. In the



*Members of the working group are revising and updating content of the qualification exam*

following months, the group met regularly to finalize their work. An official draft was sent to the Ministry of Justice for review in August 2013, where it remains today.

While the Working Group revised the content, ABA ROLI worked with local technical experts to develop the electronic testing program. The program, which incorporates lessons learned from an electronic exam for judges produced by the International Development Legal Organization will be loaded with the content (once it is approved) and installed on computers ABA ROLI will provide for the Ministry of Justice. These computers will have the ability to limit access to the equipment and exam content to specific personnel.

In addition to improving the exam itself, ABA ROLI and the ATC will provide pre-qualification exam trainings for prospective advocates and separate trainings for notaries to help them prepare for the exam.

#### **Activity Five Expected Deliverables:**

- Software for computerized exam is configured and adopted.

***In Progress.** ABA ROLI and the technical experts have developed the necessary software, including security and functional requirements for the program. The next step will be data entry and testing to ensure that the software is working correctly.*

- Content of the Qualification Examination is updated.

***In Progress.** The Working Group completed developing draft questions for the qualification examination. 1,000 questions are currently pending final approval by the Ministry of Justice.*

#### **Activity Six: Assessing the Legal Profession's Development**

To provide a large-scale metric by which the program can assess its progress and provide a benchmark indicator for the future, ABA ROLI plans to create a report using its assessment tool, the Legal Profession Reform Index (LPRI), starting from April, 2014. ABA ROLI's LPRI employs a rigorous analysis of all relevant laws that regulate the legal profession and a key informant interview process that includes informal focus groups and structured interviews with lawyers, judges, prosecutors, other key government officials and representatives of nongovernmental organizations. LPRI would help provide a roadmap for the training activities of the new national bar and other donors.

### **Objective Two: Equipping the next generation of lawyers with the advocacy skills and knowledge to provide quality legal representation to citizens in need**

Despite some law schools in Kyrgyzstan having taken initial steps towards broad-based reforms, the legal education system remains highly theoretical and fails to provide students with the necessary practical skills experience to succeed in their professions. ABA ROLI is working with universities throughout Kyrgyzstan to provide law students with more practical, real-world skills and a legal education more in line with international standards, by supporting law school curricula reform to incorporate practical skills courses, reinstitute nation-wide moot court competitions and expanding clinical legal education opportunities across the country, in an effort to improve the quality of legal education nationwide.

#### **Activity One: Inter-University Working Group on Practical Skills Curriculum Development**

In response to the goals of this program ABA ROLI organized an Inter-University Working Group to create new courses and improve and harmonize curricula across law faculties. The Working Group consisted of representatives from six Universities: Kyrgyz State Law Academy, Kyrgyz Russian Slavonic University, Law Institute of Kyrgyz National University, Academy of the Ministry of Internal Affairs, Osh State Law Institute and Jalalabad Institute of Law. The Inter-University Working Group formed three sub-Working Groups to develop draft curricula, teaching methodology, and course materials for three courses topics, including: Legal Writing Skills, Pre-Trial and Trial Skills, Client Interviewing and Consulting skills. The Working Group further narrowed the course topics down to: "Tactics of parties in trial", "Tactics of a defense attorney in pre-trial stage of legal proceedings", "Tactics of consulting and interviewing".

Between April 1 and late May 2013, ABA ROLI organized a series of meetings of the Inter-University Working Group to develop the *Educational Methodological Complex* (EMC) for these three practical skills-based courses, consisting of a detailed course curriculum and a teaching methodology guide. Working Group members also discussed the terms of introduction of the EMC into the curriculum of six Kyrgyz university law schools, and designated specific representatives to oversee the process in each school.

The courses were approved in May and June 2013 by scientific council of each university, and have now been introduced into the curricula of the law departments as an elective course for fourth- and fifth-year students for the 2013-2014 academic year. After piloting the courses at the law schools they will be available electronically as well via universities' websites, that will make the course also available for recent law school graduates and other interested lawyers.

While clinic students may practice these skills in a clinical setting (described below), the universities generally limit clinic participation to 30 students a year. Therefore, introducing these practical skills into the classroom curriculum will benefit the general student population by increasing the number of students who can develop these skills. ABA ROLI arranged with the university administrations to have the practical skills courses adopted into the university-required curriculum, thus ensuring that the courses are sustained in six universities after the conclusion of this program. Formal publication of course materials will begin after the courses have been taught once, to allow for adjustments and final edits based on the experience of the pilot semester. The practical skills courses are the first of their kind, and have so far received positive reviews from the trainers and schools. ABA ROLI will follow their success throughout the academic year.

### Training of Trainers and Introduction of Courses

To ensure the teachers know how to present the new courses and materials, ABA ROLI developed and conducted a Training of Trainers (TOT) on each of the newly developed courses for 12 professors (two professors from each university) on June 26-29, 2013. During the training, the professors became familiar with the course materials, reviewed, conducted, and analyzed course exercises, and discussed how to grade exams and effectively manage the classroom.



*Professors hold Certificates of Completion at the TOT for newly developed practical skills courses, to be piloted in fall 2013 at six leading universities.*

Initially the courses were planned to be introduced into the curriculums of six universities. However, a seventh university - the International University of Kyrgyzstan - expressed interest and has included the course into their curriculum as well. In the middle of October the representatives of these universities will get together to discuss the teaching processes, effectiveness, gaps of these courses, and recommendations for improvement.

### **Activity One Expected Deliverables:**

- Approval from universities for new courses to be part of their curricula during the following academic year.  
**Completed and Exceeded.** All three (3) courses approved by six (6) universities in May and June 2013 plus one more university approved introduction of the course into their curriculum in October 2013 (International University of Kyrgyzstan).
- Three (3) practical skills courses are developed and ready for presentation to universities in April/May 2013 for approval to incorporate into their curricula.  
**Completed.** The Inter-University Working Group completed the final drafts of three (3) practical skills courses in May/June 2013. A final product will be prepared after the first semester "trial-run" of the courses in early 2014. A TOT on Educational Methodological Complex for law professors of six universities was conducted on June 26-29, 2013.

### **Activity Two: Support of Practical Skills through Moot Court Competitions**

To provide additional practical legal instruction to law students, ABA ROLI drew on its rich history hosting Moot Court competitions to introduce Client Interviewing and Consulting competitions to law schools throughout Kyrgyzstan.

ABA ROLI formed a Working Group with professors of the Kyrgyz Russian Slavic University (KRSU) and the Kyrgyz National University in November 2012 to organize the first annual Client Interviewing and Consulting Competition for students of the legal clinics. Students were invited by

their professors to participate in the competition based on their academic performance and participation in legal clinic activities.

On February 1-2, 2013 ABA ROLI hosted its first Client Interviewing and Counseling Competition. Thirteen teams representing five law schools, comprised of 11 males and 15 females, showcased their interviewing techniques and consulting skills during the two-day competition. The competition gave the students from these universities the opportunity to practice their legal skills, exchange knowledge, and network with each other.

*“Our participation in the event gave us a better understanding of many issues in lawyers' activities. By competing with other students, we could identify our advantages and disadvantages. This competition encouraged us to work harder on our professionalism”*

*Student participant*

The competition was held in Bishkek for students from universities based in the capital. Representatives of the legal clinics in Jalalabad and Osh attended the competition as observers, in order to prepare their students to compete in future competitions that will take place throughout the country. The following universities participated:

- Kyrgyz Russian Slavic University sponsored three teams;
- Kyrgyz National University sponsored three teams;
- International University of Kyrgyzstan sponsored three teams;
- American University of Central Asia sponsored three teams; and
- Kyrgyz State Law Academy sponsored one team.



*Competitors listen to their client and provide feedback, while judges observe the proceedings.*

Leading up to the competition, students were coached by their supervisors in practical skills, case studies, legal literature, and technical rules in order to hone their interviewing techniques and mediation skills. The highest marks were awarded to a team from the American University of Central Asia while a team from the Kyrgyz National University earned second place and third place was awarded to two teams, both from the American University of Central Asia.

While this was a highly competitive event, all students expressed their interest in participating in this kind of activity regularly in order to practice their skills in real-life situations. Students emphasized that the public element of the competition serves as motivation to improve their legal knowledge and practical skills to better “show off” for their peers. While being able to

apply their studies through competing, students also learned from their peers’ experiences how lawyers can work to succeed in their professional career.

After the competition the teams and judges met with ABA ROLI staff to reflect on the competition. They discussed what worked, what did not, and ways to improve the contest for next year. This competition is anticipated to be conducted annually and reach other regions of the country outside of Bishkek, including Osh and Jalalabad.

#### **Activity Two Expected Deliverables:**

- Client Counseling Competition is completed  
***Partially Completed/ In Progress.*** The first Client Counseling Interviewing Competition was conducted on February 1-2, 2013. The next Competition is scheduled for early 2014.

### ***Activity Three: Support to Clinical Legal Education: Strengthening and Sustainability***



*Carey Gordon, USAID Representative to the Kyrgyz Republic; Dinah Zeltser-Winant, USAID Democracy & Governance Officer; Corinne Smith, Director of the Europe and Eurasia Division of ABA ROLI; Azamat Kerimbaev, Country Director of ABA ROLI and directors of the six participating legal clinics convened to sign a Memorandum of Understanding.*

Legal clinics are vital to both the students they train and the population they serve. Legal clinics enable law students to provide important pro bono legal aid to marginalized and vulnerable groups and at the same time give students a chance to develop practical legal skills that will make them effective lawyers in the future. ABA ROLI strengthened legal clinics operating in four universities - Kyrgyz-Russian Slavonic University, the Kyrgyz State Law Academy, Kyrgyz National University, and the International University of Kyrgyzstan - which suffered from a lack of institutional support and technical training. ABA ROLI also supported the establishment of two new legal clinics at Osh State Law Institute and the Jalalabad Institute of Law, Business and Computer Technologies. Financial assistance to existing clinics supported subscriptions to an electronic legal database and basic supplies.

The new legal clinics at Osh and Jalalabad were given a greater level of financial support to set up the clinics, procure computers, subscribe to the legal database, support staff salaries and provide supplies for Years 2 and 3. All six universities took part in legal skills trainings for clinic professors to ensure that they had the necessary skills to teach their students how to provide professional legal services. ABA ROLI has secured the commitment of all of the administrations of all the universities, which house legal clinics concluding in October 2012 a memorandum of understanding to confirm their readiness to support legal clinical education during and after this project. Based on ABA ROLI's past experience, this readiness has been a primary determinant of long-term sustainability. (*See Annex 5 for the MOU*)

This year, the six clinics supported under this program provided a total of 379 representations to 379 clients. There were 171 students engaged in the program, of which 98 were female. The clinicians are supervised by experienced professors, providing them with a unique opportunity to engage in direct dialogue and be mentored by professionals during their studies. This is a direct contrast to the typical legal education offered in Kyrgyzstan, which focuses on theoretical knowledge and large, impersonal classroom experiences. Not only do the students gain practical experience, they also develop self-confidence, ethics and a desire to win their cases.

Enrolling in the clinical program is not just about representing clients, but also engaging students in competitions, discussion groups, and other tasks that vary their educational options, enhance their skills, and help maintain interest during their final years of study; inspiring them as they leave the academic sphere and enter the workforce. Through their work in the clinic, students are exposed to the real work of a lawyer and able to provide consultations to clients, represent clients in courts, approach administrative and other state bodies, compile claims, complaints and other legal documents, and explore how they can use lawful, legal actions to protect their rights and interests. As a result of this experience, students complete their clinical work with practical skills and knowledge well beyond that of their peers and an increased capability to be effective in their new profession.



*Students at the legal clinics received Certificates of Completion at the end of the academic year*

*"Contemporary legal education is inherent in the curriculum, oversaturated with theoretical disciplines and not enough subjects to allow teach practical skills. Thus, out of this situation lies in finding and applying such methods of teaching that would transfer well to the theoretical training and even in plane formation of practical skills. The legal clinic allows students to practice and reinforce the theoretical knowledge obtained in universities. Clinical legal education is a "training of lawyers in practice by dipping into the profession.""*

*Alymbek uluu Nurlan, Student*

Regular visits to the clinics allowed students and professors to showcase their work to ABA ROLI staff and receive constructive criticism and advice on clinic management. As part of these discussions, the clinic directors recognized the need for (and potential benefit of) an association of legal clinics to give them a legal platform to share lessons learned and best practices. Such an association would allow for practical skills trainings for clinical professors, as well as trainings for students. ABA ROLI worked with legal clinic leadership to draft a concept paper in an effort to assist in getting funding for start-up and the first five years of operation of this association.

### **Promoting Rule of Law in Southern Kyrgyzstan**

Osh and Jalalabad are areas in which ABA ROLI is working hard to raise the competency and ability of the legal community. The ethnic strife that has plagued the region makes quality legal assistance, especially to marginalised peoples extremely important. To this end, efforts are underway to include these regions in as much of our work as possible. By providing training for student-clinicians in these regions, ABA ROLI is building a future generation of capable, motivated, and well-trained lawyers who can contribute to a stronger rule of law in southern Kyrgyzstan.

### **Modelling Professional Norms and Best Practices**



*Students review a case and engage in group discussion of clinic procedures.*

One of the lawyerly practices the clinics instil in their students is a sense of professional ethics. Depending on the activities and internal procedures of the Clinics, the students- clinicians developed their own code of ethics to keep standards of their professional behaviour. The Osh Legal Clinic held a meeting on March 20, 2013 devoted to discussion of, and adoption of, an Ethics Code of the clinic, and signed a supporting formal agreement between the students and the Clinic that the student would keep the regulations of the Ethic Code while implementing the clinical activities. During the two-hour discussion, amendments were made to both documents, and the staff and students of the clinic unanimously adopted the Code and the Agreement. Following a code of ethics will help prepare the students for the ethics portion of the upcoming

electronic bar examination, and is significant in that presently there is no developed ethical code for lawyers. The Ethics Code and agreement are similar to the codes already adopted by other legal clinics.

Below is chart showing the outputs of each clinic, broken down by type and gender:

University	of Number students	of Total # students:	Clients	Total # of clients:	Number of consultatio ns	Represe ntation in the State bodies	Representatio n in courts	Total # of consultations/repr esentations:
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	<i>M</i>	<i>F</i>		<i>M</i>	<i>F</i>		<i>cri</i> <i>m.</i>	<i>civ.</i>	<i>State</i> <i>Bodies</i>	<i>Courts</i>	
KRSU	17	30	47	35	24	59		44	-	15	59
KSLA	8	16	24	46	75	121	3	109	9	-	121
IUK	10	11	21	28	33	61		31	30	-	61
KNU	13	12	25	35	43	78	10	58	5	5	78
Jalalabad Institute	5	8	13	30	19	49	1	37	5	6	49
OSU	20	21	41	5	6	11	-	9	-	2	11
<b>TOTAL</b>	73	98	171	179	200	379	14	288	49	28	379

### Building a Career from a Clinical Experience

One of the greatest benefits of participating in the Legal Clinics is the positive impact it has on a graduates' job search. Directors of the clinics indicated that, among Clinic graduates, 90% have found successful employment in their field, and employers have commented that they prefer to hire clinic graduates, who are more practically prepared than their peers.

On May 16, 2013 the Legal Clinic of the International University of Kyrgyzstan organized a Career Fair for graduating students to establish a link between the students and employers. The Clinic invited several law firms and state and non-state organizations seeking employees or interns with a legal education. During the event, ABA ROLI's Legal Specialist gave a brief speech encouraging students to keep moving forward in their careers, using their unique experiences within these clinics to launch meaningful and productive careers, and influencing the legal profession as a whole. Following this event, 21 of the 24 students received job offers.



*Students attending the Career Fair learned about job opportunities after they graduate*

ABA ROLI encouraged other legal clinics to organize these kinds of events, as it helps students in their job search and brings broader awareness to the benefits of clinical education. ABA ROLI will continue to take a proactive role in assisting clinics in organizing such forums in the future. *Please see Annex 6 for a selection of success stories, including first hand reflections from student clinicians.*

### Independent Initiatives Undertaken by Clinics

Beyond the scope of ABA ROLI's subgrants with the six clinics, many of the clinics hold events or programs independently. These events help build public and institutional support for the clinics and their work. Clinics have organized various events, round tables, and trainings on development of clinical legal education in the Kyrgyz Republic. Below are several examples of activities undertaken by the clinics outside of this program that further promote clinical education and the development of the legal profession as a whole:

In September 2013 the Kyrgyz State Law Academy held a round table inviting representatives of the legal clinics, the Soros Foundation, and other organizations and discussed various issues related to the legal clinics' activities in the country, including administration and management, effective clinic size, and the prospects and benefits of forming an association. Such meetings aim to support the sustainability and impact of the clinics, and to build from current programs into a broader reach for clinical education. ABA ROLI will continue to support the clinics with these endeavors.

In addition to the direct activities of this program, the IUK Legal Clinic conducted training for secondary school students of Prigorodniy village on May 22- 23, 2013. The topic of the training was "Concept, types of conflict and conflict management". More than 50 11<sup>th</sup> grade students participated in the trainings, where they were able to ask questions on conflict management and discuss the regular conflicts they see in the classroom and between ethnicities in their everyday lives. The training also benefited the student-clinicians, who developed teaching skills as they moderated these courses and conversations. Based on the success of this visit, the school administrators requested the clinicians to visit regularly to conduct these kinds of trainings.



*Students-clinicians are teaching schoolchildren on conflict management*

*"I've gained invaluable skills in the Clinic. I've learned to use gained theoretical knowledge in practice, as well as to find good ways to treat with clients and help them to solve their legal disputes. I would like to emphasis that the clinics are the best school for future lawyers" - says Aizada Nazaralieva, a student-clinician, graduated from the KRSU Legal Clinic in 2012. At this time she is working as a legal assistant in "Gazprom Neft Asia" ltd.*



*Director of the Jalalabad Legal Clinic Majitov B. is giving online consultations on local TV channel*

The statistical information above shows that the highest number of consultations and representations were provided by the Jalalabad Legal Clinic. The Clinic has been functioning for just one year, having been established by under this program. Clinic Director Bakytbek Majitov actively works on promotion of clinical education in his Institute, building strong relationships with the university and local legal community. In addition, Mr. Majitov regularly participate in local call-in TV program where he gives legal consultations and answer to callers on air. Mr. Majitov began this *pro bono* show as a private defense attorney, but has continued to operate the show, now as Director of the Legal Clinic. He refers callers and the audience to the clinic, informing the public of this valuable resource and popularizing clinical education in Jalalabad. After the TV program with Mr. Majitov many viewers turn to the clinic for legal consultations.

### **Activity Three Expected Deliverables:**

- Two (2) Training-of-Trainer sessions for clinic professors are conducted.  
*In Progress. First TOT for law professors of Osh State University and Jalalabad University of Business and Law conducted in Osh on August 2-3, 2012. A second TOT session is scheduled for May 2014.*
- Financial Support to legal clinics is provided.

***In Progress.** Six clinics signed sub-grant agreements, ensuring financial support for continued programming.*

### **III. CONCLUSION**

During Year Two, although ABA ROLI faced challenges securing parliamentary support for the draft Law on Advocatura, ABA ROLI was nonetheless able to achieve great success in accomplishing its goals and objectives. Through its support to the ATC, ABA ROLI further enabled the defense community to provide quality legal aid because of the tailored education and training programs provided by ATC. The ATC provided effective trainings for lawyers regularly as well as organizing roundtables, conferences, and public hearings, and has gained significant popularity among the legal community. Together with ATC trainings, prospective lawyers are gaining practical knowledge through their involvement in the six Legal Clinics supported through this program, ensuring that the next generation of lawyers will have even greater skills and knowledge, as well as a working familiarity with ethics codes and other lawyerly behavioral norms.

ABA ROLI and its partners, and in coordination with USAID, will continue to pursue all possible means to achieve the best possible outcome for advocate unification, by coordinating meetings with the members of the parliament, legal groups, and NGOs.

Throughout Year Two, ABA ROLI supported strong participation from the regions and active involvement of women fostering communication between the regions and encouraging relationship building amongst professors and students in the legal clinics.

Over the next work plan year, ABA ROLI looks forward to building upon its productive partnerships with the ATC, legal clinics, as well as other stakeholders and partners, and enhancing the results achieved this year through follow-on activities that will further equip defense advocates with the tools to effectively represent clients and build their professional capacity. During the next reporting period, ABA ROLI will:

- Support the ATC to deliver training for notaries (October 18, 19, 2013), and on important substantive and administrative legal topics, including on labor relationships (October 31, 2013), on filing procedures (November 10, 2013), and on acquisition of inheritance (December 5, 2013)
- Begin preparations and hold initial working group meetings for the Client Counseling Finals Competition (November 28, 2013);
- Facilitate a interuniversity work group meeting to discuss practical skills courses and the state of the EMC piloting since the start of the academic year (November 25, 2013);
- Hold discussions with directors of the legal clinics on the possibility of establishing an association of legal clinics (December 4, 2013);
- Conduct a presentation on the roll-out of the EMC (December 23, 2013).

#### IV. ANNEXES

##### Annex 1 – Activity M&E Plan

Indicators	Definition and Unit of Measurement	Baseline	Targets	Source / Freq. of Reporting	ABA ROLI Results (September 2013)
<b>Objective One: Support Development and Growth of a Unified Bar Association and Well-Qualified Attorneys Able to Serve the Needs of the Public</b>					
Number of legal institutions or associations supported by USG	Includes both governmental and non-governmental institutions and associations that focus on administering and improving the legal system.  # of institutions	N/A	<b>Year 1-</b> Five (5) institutions; Ministry of Justice; Parliamentary Committee on Constitutional Legislation, State Structure, Legitimacy, and Local Self-Governance; Union of Advocates; Association “Attorneys of Kyrgyzstan”; Advocates Training Center;  <b>Year 2 –</b> Three (3) institutions; Ministry of Justice; National Bar; Advocates Training Center  <b>Year 3-</b> Three (3) institutions; Ministry of Justice; National Bar; Advocates Training Center	Source: Programmatic Reports  Frequency: Annually	All three institutions contacted on a regular basis on various issues related to the Bar reforms.
Number of sector assessments	# of assessments;  ABA’s Legal Profession Reform Index provides an empirical basis for examining the independence of legal professionals	Last LPRI conducted in 2004 prior to ATC establishment and changes to Law on Advocatura.	<b>Year 3-</b> One (1) assessment; Legal Profession Reform Index published and distributed among justice sector stakeholders and the donor community.	Source: LPRI report	Scheduled to be completed in Year Three.

<b>Result 1: Establishment and development of a National Bar Association, or the adoption of an alternate legal framework, that can regulate the profession based on international best practices, including enforcement of ethics and disciplinary standards</b>					
Number of USG-supported public sessions held regarding proposed changes to legal framework	# of roundtables for advocates and MPs to promote the concept of a unified bar	Three roundtables held in 2010-2011 (two conducted by ABA ROLI and one by SOROS-foundation).	<b>Year 1-</b> Five (5) roundtables	Source: program records  Frequency: Quarterly	Two roundtables were held in March 2012 in Osh and Jalalabad for a total of 63 Advocates and representatives from the MOJ, and one roundtable was held in April 2012 in Issyk-Kul for 23 participants. In March, 2013 ABA ROLI and GIZ cosponsored an international scientific/practical conference "Advocacy in contemporary society: approaches and its role and place in the system of law" for 95 participants.
Structure, by-laws, charter and mission of the national bar adopted by Congress of Advocates	At the inaugural meeting of the Congress of Advocates, founding documents for national bar are approved by a majority of advocates and adopted.	N/A	<b>Year 1-</b> Documents revised/finalized by bar reform Working Group; documents adopted by Congress of Advocates	Source: WG meeting notes; action plan  Frequency: Quarterly	Contingent on whether Law on Advocatura passes.
Representatives elected to governing bodies of national bar; Council of Advocates; Qualification Commission; Audit Commission; Disciplinary	All leadership positions and committees established according to the Law on Advocatura	N/A	<b>Year 1-</b> Elections take place at first inaugural congress of national bar	Source: Congress meeting report; program records  Frequency: Quarterly	Contingent on whether Law on Advocatura passes.

Commission					
Progress in establishing governing mechanisms for national bar	Hiring of administrative staff to coordinate bar activities	N/A	<b>Year 2-</b> At least one program coordinator and finance manager hired after inaugural congress  <b>Year 3-</b> TBD-dependent upon strategic plan	Source: bar and program records  Frequency: Quarterly	Contingent on whether Law on Advocatura passes.
	Develop long-term strategic plan setting forth measures for financial sustainability; creation of branch offices; CLE integration; creation of specialized committees (i.e. legislative reform)		<b>Year 1-</b> One (1) initial strategic planning session for entire bar leadership  <b>Year 2-</b> Three(3) strategic planning sessions; Final draft submitted to Council of Advocates  <b>Year 2/ 3-</b> Strategic plan approved; six (6) meetings/trainings for bar leaders/committee members and staff to implement strategic plan components	Source: strategic planning documents; meeting records; program records  Frequency: Quarterly	Contingent on whether Law on Advocatura passes.
Adoption of new ethics code for advocates	Ethics Code for defense attorneys in compliance with international standards adopted by the Congress of Advocates	Existing code does not comply with international standards and best practices	<b>Year 1-</b> Draft ethics revised; Ethics code adopted.	Source: bar reform Working Group records; Congress of Advocates records; 2011 LPRI report	Contingent on whether Law on Advocatura passes.
Development of transparent disciplinary procedures	New procedures clearly define penalties for ethical misconduct; new procedures clearly define	Existing procedures do not comply with international	<b>Year 1-</b> Draft disciplinary procedures revised and adopted  <b>Year 2-</b> Transition provisions agreed to between bar leadership	Source: 2011 LPRI report	Contingent on whether Law on Advocatura passes.

	roles, responsibilities and decision-making processes between the bar and the MOJ	standards and best practices	and the MOJ	Frequency: Quarterly	
<b>Result 2: Development of qualification exam and licensing procedures for the defense bar that are fair and transparent</b>					
Number of merit-based criteria or procedures for justice sector personnel selection adopted with USG assistance	New computerized qualification exam for advocates approved and adopted by the MOJ	Current exam and procedures are not consistent with international standards and best practices	<b>Year 1/2-</b> Computer-generated questions and scoring introduced	Frequency: Quarterly	Ministry of Justice Working Group developed questions for the Qualification Exam. Development of the electronic platform began in February 2013.
Content and method of delivery of qualification revised to reflect requisite knowledge for criminal defense practice and a fair procedure	# of new bar exam questions approved by MOJ	Current exam and procedures are not consistent with international standards and best practices	<b>Year 1/2-</b> New questions introduced to bring total of relevant questions up to 500+	Frequency: Quarterly	Development and review of 1000 questions for the Bar Examination is in progress. Content is currently waiting for Ministry of Justice review and approval.
% decrease in the # of challenges to qualification exam results	% decrease indicates exam review and subsequent results are conducted in a transparent manner	The MOJ does not maintain official records	<b>Year 2-</b> 25% decrease <b>Year 3-</b> 25% decrease	Source: informal surveys of bar candidates and advocate associations  Frequency: Quarterly	Contingent on introduction of the Bar Examination in a new electronic testing format, scheduled to be completed in Year Three.
<b>Result 3: Expansion and Institutionalization of CLE opportunities for defense lawyers to stay current on changes in the legal system and improve their professional qualifications</b>					

Number of new legal courses or curricula developed with USG assistance	# of new training programs developed under the Advocates Training Center	Core curricula on general professional skills in place: specialized curricula on select legal topics offered based on demand.	<p><b>Year 1-</b> At least two (2) new courses including one new course on jury trial skills</p> <p><b>Year 2-</b> At least two (2) new courses including one new course on legal ethics</p> <p><b>Year 3-</b> At least two (2) new courses</p>	<p>Source: ATC records; program records. Survey advocates.</p> <p>Frequency: Quarterly</p>	Two new courses on Land Law and Civil Trials developed and presented.
Number of advocates benefiting from improved teaching facilities and curricula.	# of advocates receiving training (disaggregated by gender, course topic, region)	01.10.2012-30.09.2013-353 advocates trained by ATC	<p><b>Year 1- 240 advocates trained</b></p> <p>1. Two (2) Jury Trial Trainings 2. 12 topical CLE trainings</p> <p><b>Year 2- 200 advocates trained</b></p> <p>1. One (1) Jury Trial Training 2. 12 topical CLE trainings</p> <p><b>Year 3- 190 advocates trained</b></p> <p>1. 12 topical CLE trainings</p>	<p>Source: ATC records; program records. Survey advocates and judges.</p> <p>Frequency: Quarterly</p>	<p>During the Year two (01.10.2012-30.09.2013-364 attendees received training, including 190 women.</p> <p>Trainings were held in Bishkek, Osh, Jalalabat, Talas, Naryn and Issyk-Kul.</p> <p>ABA ROLI held a two-day Jury Trials Skills training for advocates in Year Two, as well as a TOT on the subject.</p>
<b>Objective Two: Equipping the Next Generation of Lawyers with the Advocacy Skills and Knowledge to Provide Quality Legal Representation to Citizens in Need</b>					
<b>Result 4 :Introduction of practical legal skills course curriculum into university standards, and the harmonization of these skills courses across the leading universities</b>					
<b>Result 5: Strengthening and creation of legal clinics at select law faculties</b>					
Number of new legal	# of new practical skills	Legal ethics	<b>Year 1-</b> Three (3) courses (legal	Source: program records;	Inter-University Working Group developed three practical skills courses for

courses or curricula developed with USG assistance	courses developed for law students  # of new courses incorporated into university curricula	course introduced in 2006.  Lawyers Professional Skills introduced in 2006.	writing, pre-trial/trial skills, client interviewing and counseling) developed by inter-university Working Group  <b>Year 2-</b> All three (3) courses incorporated into all partner law faculty's curriculum; two (2) new legal clinics programs established.	course materials; university records  Frequency: Quarterly	introduction into legal clinics and into six university law faculty curricula. Courses: 1. Tactics of consulting and interviewing in professional activities of lawyers; 2. Tactics of parties in trial process; 3. Tactics of advocates in pretrial stage of the legal proceedings.
Number of professors trained in interactive teaching methodology/practical legal skills	# of university professors participating in TOT programs	Baseline information will be obtained 90 days after the start of the award period	<b>Year 2-</b> At least 12 professors (including legal clinic directors) representing six (6) universities including Osh and Jalalabad State Universities;  <b>Years 2/3-</b> Professors receive ongoing mentoring and support from ABA Short-term legal education specialists.	Source: program records; short legal specialists' monitoring reports. Survey students for their feedback.  Frequency: Quarterly	Twelve (12) professors from six universities (Including Osh and Jalalabad State Universities) received training in June 2013.
Number of law students benefiting from improved teaching facilities and curricula	# of law students enrolled in practical skills courses and participating in moot court competitions	Baseline information will be obtained 90 days after the start of the award period	<b>Year 1-</b> 100 students enrolled in university-based legal clinics  <b>Year 2-</b> 360 students enrolled in practical skills courses; 50 students participating in client counseling competitions; 150 students enrolled in university-based legal clinics  <b>Year 3-</b> 420 students enrolled in practical skills courses; 100	Source: program records, university records. Survey students for their feedback.  Frequency: Quarterly	One hundred seventy one (171) students enrolled in six legal clinics;  Twenty six (26) students participated in client counseling competition.

			students participating in moot court competitions; 180 students enrolled in university-based legal clinics.		
Number of legal aid groups and law clinics assisted by USG	# of university-based legal clinics receiving institutional and financial support	KRSU, KNU, OSU, and KSLA legal clinics receive limited financial support from university administration; no clinics exist at Jalalabad or Osh Law Institute	<p><b>Years 1-</b> Four (4) legal clinics</p> <p><b>Years 2 and 3-</b> Six (6) legal clinics</p>	<p>Source: program records</p> <p>Frequency: Quarterly</p>	<p>ABA ROLI supports six legal clinics: four that were already functioning and two newly established with funds from this program.</p>

## Annex 2 – Indicator Chart of Deliverables

Activity	Indicator	1 <sup>st</sup> Quarter Result (Feb-Mar 2012)	2 <sup>nd</sup> Quarter Result (April-June 2012)	3 <sup>rd</sup> Quarter Result (July-Sept 2012)	4 <sup>th</sup> Quarter Result (Oct-Dec 2012)	5 <sup>th</sup> Quarter Result (Jan-Mar 2013)	6 <sup>th</sup> Quarter Result (April-June 2013)	7 <sup>th</sup> Quarter Results (July – Sept 2013)
Support Passage of the Law on Advokatura	Four (4) roundtables increasing advocate participation in legislative process	N/A	Three (3) roundtables held for 86 participants	N/A	N/A	One (1) roundtable held in Bishkek for 95 participants	Completed in previous quarter.	N/A
	Adoption of Law on Advokatura	Continued activities to support adoption of the Law	Continued activities to support adoption of the Law	Continued activities to support adoption of the Law	Continued activities to support adoption of the Law	Continued activities to support adoption of the Law	Continued activities to support adoption of the Law	Continued activities to support adoption of the Law
Provide Institutional Support to the National Bar		Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura

Instituting an Ethics Council to Regulate the Defense Bar		Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura	Dependent on the adoption of Law on Advokatura
ATC CLE Curriculum Development and Training	Financial Support to the ATC	N/A	N/A	ABA ROLI fully executed a subgrant agreement with ATC	ABA ROLI fully executed a subgrant agreement with ATC	ABA ROLI fully executed a subgrant agreement with ATC	ABA ROLI fully executed a subgrant agreement with ATC	ABA ROLI fully executed a subgrant agreement with ATC
	Two multi-day trainings on jury trials	N/A	One-day training held	One-day training	Two-day training held	N/A	N/A	N/A
	12 topical trainings		Seven (7) trainings held	ABA ROLI fully executed a subgrant agreement with ATC and ATC held five (5)	ATC held nine (9) trainings	ATC held seven (7) trainings	ATC held six (6) trainings	ATC held five (5) trainings

				trainings				
	4 trainings for notaries	N/A	N/A	N/A	N/A	ATC held one (1) training	N/A	N/A
Improving the Qualification Examination Process	Exam Questions Developed	N/A	N/A	N/A	N/A	<p>1. MOU between USAID and Ministry of Justice signed.</p> <p>2. Working group is established;</p> <p>3. Development of the Exam Questions is in progress.</p>	Development of the Exam Questions is in progress.	Exam questions are with the Ministry of Justice for final review and approval.
	Software for computerized exam is configured and adopted	N/A	N/A	N/A	N/A	In progress.	In progress.	Software is developed and will be rolled out once

								content is approved.
Inter-University working group on practical skills curriculum development	Three (3) practical skills courses developed and ready for presentation to Universities by Spring 2013	First meeting of the working group held in March 2012	Three subgroups formed to develop courses	Work more than 50 percent completed on developing courses during reporting period.	N/A	Three practical skills courses were developed and ready for presentation to Universities by Spring 2013	<p>1. The Inter-University Working Group completed the final drafts of three (3) practical skills courses this quarter.</p> <p>2. A final product will be prepared after the first semester “trial –run” of the courses. Expected completion in Winter 2013.</p> <p>3. TOT on Educational Methodological Complex for twelve (12) law professors of six (6) universities</p>	<p>Three practical skills courses have started being taught</p> <p>2. A final product will be prepared after the first “trial –run” of the courses. Expected completion in Winter 2013.</p> <p>3. TOT on Educational Methodological Complex for twelve (12) law professors of six (6) universities</p>

							twelve (12) law professors of six (6) universities conducted on June 26-29, 2013.	conducted on June 26-29, 2013.
Support of practical skills through Client Competitions	National Client Counseling Competition to be completed	N/A	N/A	N/A	N/A	National Client Counseling Competition held in February 2013	N/A	N/A
Support and expansion of Clinical Legal Education	1. TOT training for clinic professors					Is planned for June 2013	Is planned for September 2013	Is planned for May 2014.
	2. Financial Support to Legal Clinics	N/A	N/A	A first TOT for law professors at Osh and Jalalabat	Six Legal Clinics receive financial and	Six Legal Clinics receive financial and technical	Six Legal Clinics receive financial and technical support	Six Legal Clinics receive financial and technical support

				Universities was held.	technical support	support		
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## Annex 3 – ATC Plans and Achievements

### **ATCPriorities:**

1. Increasing the number of participants of ATC trainings on 25%
2. Contribution to development of the Continued Legal Education System
3. Introduction of paid-services (commercial trainings)
4. Strengthening the executive body of the ATC
5. Formation of favorable image of ATC among legal community

### **Expected programmatic results:**

#### **DIRECTION: EDUCATION**

1. The professional level of at least 200 lawyers in the provision of quality legal aid to the population of the Kyrgyz Republic is increased, including 30 new participants and 30% participants from regions of the Kyrgyz Republic;
2. At least four new training courses are introduced;
3. The team of trainers of four new training courses is established;
4. Thirty-five trainings conducted, at least eight out of thirty five are paid trainings. Topics of paid-trainings are determined in accordance with the needs of lawyers;
5. The license of the Ministry of Education and Science for educational programs is granted;
6. The database of trainers and participants is improved;
7. A system of assessment the impact of the services rendered is introduced;
8. Handbook on trainings materials is developed and posted at the ATC website;
9. Technical parameters of the website is improved to increase the number of visitors among legal community (the counter of users, maintenance, convenience and quality of the customer, open the ATC page on Facebook, Classmates, DieselForum etc.)

#### **DIRECTION: ADVOCACY CAMPAIGN**

1. Background statement on implementation of Continuing Legal Education System is prepared;
2. The Regional/National Conference on Bar reforms is conducted in close cooperation with ATC partners;
3. Two events to expand the base of support of Continuing Legal Education are conducted (talk show “Open Kyrgyzstan”, publications in the Internet);
4. The draft law on Advocatura of the Kyrgyz Republic and advocates activities is passed the second reading.

### **Organizational development, expected results:**

1. The activity of the Supervisory Board of the ATC is enhanced;
2. Executive team, committed to the mission and goals of organization is established
3. Internal Policies of the organization is developed;
4. The capacity of Director on a project management is improved;
5. PR-strategy is implemented;
6. ATC is a member of at least two international networks or associations;
7. ATC received the Ministry of Education and Science License for educational programs;
8. ATC has improved facilities (Xerox, furniture is purchased, Wi-Fi is set, library is expanded and etc.);
9. PR-strategy is implemented:

\* open the ATC page on Facebook, Classmates, DieselForum;

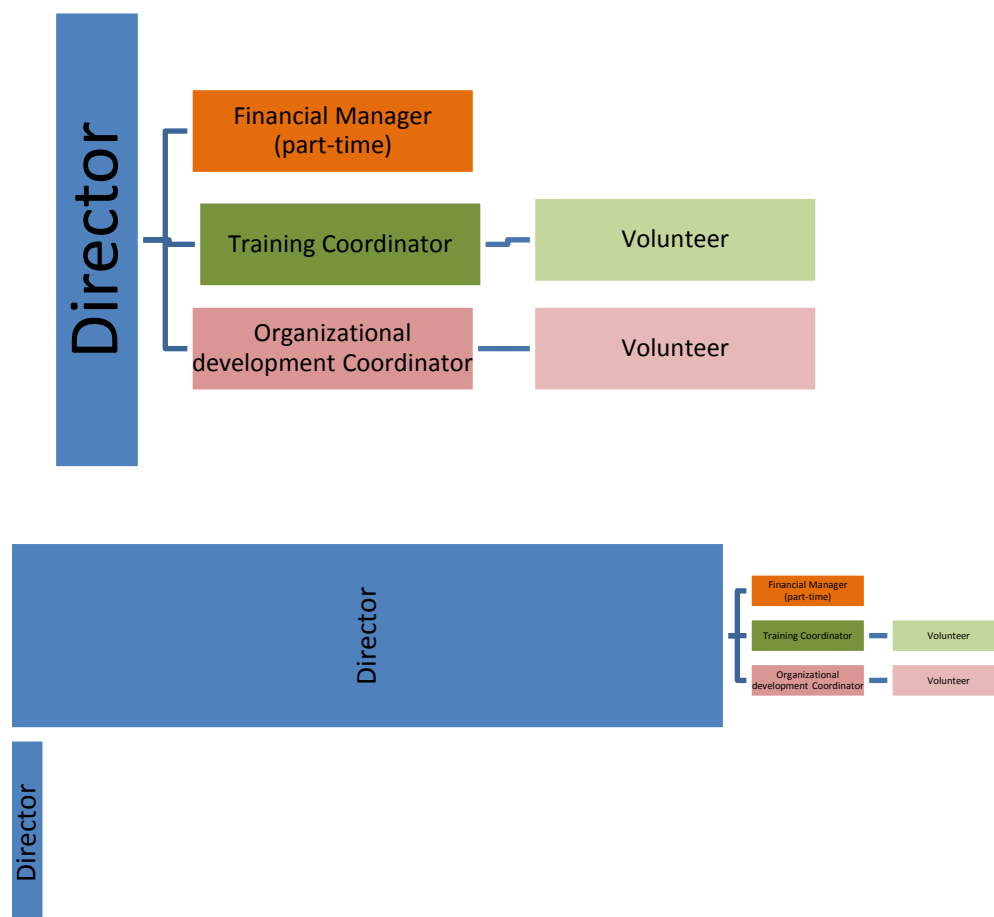
\* institutional memory of organization is developed (background, projects, deliverables, donors);

### **• Proposed ATC Structure:**

Support to the Kyrgyzstani Legal Defense Community (AID-176-A-12-00001)

ABA Rule of Law Initiative

Annual Report, October 2012 – September 2013



### New program ideas:

- Statistics concerning the population and convicted and sentenced prisoners is accessible, with information on the quality of legal services they received;
- A School for future defense attorneys;
- Conducting conferences with the interactive format in close cooperation with partners
- Expansion of services to enhance the capacity of legal community through the use of new media (online video tutorials, animation, etc.)
- Popularization of the legal profession: Championship judicial Casey students with the Ministry of Education, Law of Academy and more.

## Annex 4 – MOU to work on bar qualification

### MEMORANDUM OF UNDERSTANDING

between

the Ministry of Justice of the Kyrgyz Republic

and

The U.S. Agency for International Development

On Cooperation in Sphere of Support to the Kyrgyzstani Legal Defense Community

The Ministry of Justice of the Kyrgyz Republic and the U.S. Agency for International Development (USAID), together called “Participants”, are providing support to the Kyrgyzstani legal defense community in the area of bar association reform and improvement of the qualification examination process for defense advocates. This work is being conducted as part of the USAID “Support to the Kyrgyzstani Legal Defense Community Program” (hereinafter the “Project”), which is being implemented by USAID’s implementing partner, the American Bar Association Rule of Law Initiative (hereinafter “ABA ROLI”). Assistance furnished by USAID as described in this Memorandum of Understanding is United States assistance within the scope of the Agreement between the Government of the United States of America and the Government of the Kyrgyz Republic Regarding Cooperation to Facilitate the Provision of Assistance, dated May 19, 1993, and is subject to the terms and conditions of that Agreement. The Participants now seek to memorialize their shared understandings regarding the Project in this Memorandum of Understanding (MOU).

#### Article 1. Areas of Collaboration

The Participants intend to cooperate in the following areas:

- Development and introduction of a software program to conduct electronic testing for prospective defense advocates and notaries;
- Provision of equipment for the implementation of the software program and the performance of the examination by prospective advocates and notaries;
- Revision of the content of examination questions to test prospective defense advocates’ knowledge of professional legal skills and legal ethics;
- Educational trainings for prospective defense advocates;
- Educational trainings for notaries to raise their professional qualifications.

#### Article 2. Tasks of USAID

During the term of this MOU, USAID, through its Project partners, is planning to:

- 1) Provide assistance to the Ministry of Justice in carrying out activities in the sphere of new legislation and reforms in the area of advocate activity and the Bar;

- 2) Provide technical assistance for the successful realization of Support for the Kyrgyzstani Legal Defense Community;
- 3) Design, in consultation with Ministry of Justice annual work plans of activities on implementation of technical assistance in improving the qualification examination process;
- 4) Provide highly qualified international and local experts for the project activities, and develop and/or adapt study materials to the local conditions;
- 5) Provide information technology equipment to support administration of the bar qualification examination;
- 6) Provide regular updates to the Ministry of Justice on the Project implementation.

### Article 3. Tasks of Ministry of Justice

The Ministry of Justice is planning to:

- 1) Coordinate activities of donors and government facilities involved in the implementation of programs in legal defense community sector;
- 2) Facilitate meetings between senior Ministry of Justice officials, representatives of Project partners and USAID;
- 3) Encourage participation of the host government officials and bodies in USAID project activities involving the improvement of the qualification examination process;
- 4) Provide physical space to be used to conduct the computerized qualification examination;
- 5) Implement activities in the sphere of new legislation and reforms in the area of advocate activity and the legal bar, as well as cooperate on other issues of mutual interest within the Project framework;
- 6) Assign a contact person from Ministry of Justice with the authority to liaise with USAID and its Project partners for the purpose of coordinating events, discussing planned activities, and collaboratively identifying and resolving problems, as well as discussing the status of the Project;
- 7) Provide support with the establishment of a Working Group on reform of the qualification exam by assigning members and staff from the Ministry of Justice to participate;
- 8) Provide feedback on the effectiveness of the Project;
- 9) Facilitate and assist in organizing workshops, roundtables and other events related to the Project;
- 10) Assist USAID and its Project partners in resolving issues encountered in implementation of the Project.

### Article 4. General Provisions

Duration of MOU: This MOU is to remain operative from the date of signature until December 31, 2014 and may be extended in writing upon the consent of the Participants. A Participant should

endeavor to give three months prior written notice to the other Participant of its intent to discontinue its participation in this MOU.

**No Legal Obligation or Commitment of Funds:** This MOU does not impose, nor is it intended to impose, any legal commitments on the Participants. Nothing in this MOU should be construed as imposing a legal obligation on the Participants or as a commitment of any United States Government funds by USAID. USAID plans to carry out any expected activities through separate contracts, cooperative agreements or other binding agreements with its Project partners.

**Modification:** The Participants may modify this MOU in writing within their authorities.

**Information:** The Participants intend to provide each other with such information as may be reasonably needed to facilitate the activities described herein and to evaluate the effectiveness of such activities. The Participants may also exchange letters to facilitate implementation of the Project which are not intended to modify the text of this MOU.

**Language:** This MOU has been completed in duplicate in two original copies, each in the English, Kyrgyz and Russian languages. In the event of differences in interpretation and application of clauses of this MOU, the Participants intend for the English language version to prevail.

Signed in \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2013.

For the Ministry of Justice of the Kyrgyz Republic	For the U.S. Agency for International Development (USAID)
Almambet Shykmamatov  Minister of Justice of the Kyrgyz Republic	Carey N. Gordon  USAID Representative to the Kyrgyz Republic

## **MINISTRY OF JUSTICE OF THE KYRGYZ REPUBLIC**

**February 14, 2013**

**# 15**

### **ORDER**

To implement the activities subsequent from the Memorandum of Understanding between the Ministry of Justice of the Kyrgyz Republic and The U.S. Agency for International Development (USAID) on cooperation in the sphere of support to the Kyrgyzstani legal defense community and notary institutions and to approve the members of the Working Group and the action plans for 2013

I order:

1. To approve the action plans for 2013 on implementation of the Memorandum of Understanding between the Ministry of Justice of the Kyrgyz Republic and The U.S. Agency for International Development (USAID) on cooperation in the sphere of support to the Kyrgyzstani legal defense community.
2. To approve the members of the Working Group according to the list attached to this order to revise the content of examination questions to test prospective defense advocates within the framework of the Memorandum of Understanding between the Ministry of Justice of the Kyrgyz Republic and The U.S. Agency for International Development (USAID) on cooperation in the sphere of support to the Kyrgyzstani legal defense community.
3. To accomplish the procedures related to the Working Group until April 1, 2013.
4. To charge Deputy Minister J. Mambetalieva with execution of this order.

**Minister**

**A. Shykmamatov.**

Approved by the Order # 14,  
February 14, 2013 of the

“Approved”

by the Order # 14, February 14, 2013  
of the Ministry of the Justice of the  
Kyrgyz Republic

**Action Plans for 2013 on implementation of the Memorandum of Understanding between the Ministry of Justice of the Kyrgyz Republic and The U.S. Agency for International Development (USAID) on cooperation in the sphere of support to the Kyrgyzstani legal defense community**

#	Activities	Period	Implementers	Expecting results
1	Development and introduction of a software program to conduct electronic testing for prospective defense advocates and notaries	1 <sup>st</sup> quarter	ABA ROLI	Improved procedure of the Qualification Examination
2	Establishment of a Working Group on reform of the qualification exam; assigning members of the Working Group	February	Ministry of Justice of the Kyrgyz Republic	Updated and improved examination questions according to the current legislation
3	Coordinate of the activities of the Working Group and facilitate their meetings	1 <sup>st</sup> quarter	ABA ROLI	
4	Provision of equipment for the implementation of the software program and the performance of the examination by prospective advocates and notaries	1 <sup>st</sup> – 2 <sup>nd</sup> quarter	ABA ROLI	Improved procedure of the Qualification Examination
5	Revision of the content of examination questions to test prospective defense advocates' knowledge of professional legal skills and legal ethics	1 <sup>st</sup> – 2 <sup>nd</sup> quarter	Working Group	Improved procedure of the Qualification Examination
6	Educational trainings for notaries to raise their professional qualifications	During the project period	ABA ROLI, Advocates Training Center	Advanced professional level of advocates and notaries.
7	Facilitate and assist in organizing workshops, roundtables and other events related to the Project	During the project period	ABA ROLI, Advocates Training Center, Ministry of Justice of the Kyrgyz Republic	Improve and reform of the Bar and Notary institutions

**The list of the members of the Commission to implement the Memorandum of Understanding between the Ministry of Justice of the Kyrgyz Republic and The U.S. Agency for International Development (USAID) on cooperation in the sphere of support to the Kyrgyzstani legal defense community**

#	Name	Position	Position in the Commission
1	Mambetalieva Jyldyz Jeenbaevna	Deputy Minister of the Kyrgyz Republic	Chairwoman of the Commission
2	Seidalieva Maripa Ermekovna	Head of the Notary and Bar Department of the Ministry of Justice	Member of the Commission
3	Kerimbaev Azamat	Country Director of ABA ROLI	Member of the Commission
4	Djamankulova Asel Anarkanovna	ABA ROLI Staff Attorney	Member of the Commission
5	Ivanov Artem Yurievich	Advocate, Member of the Collegiums of Bishkek and Chui region	Member of the Commission
6	Kurbanova Chinara Djalilovna	Advocate	Member of the Commission
7	Sydykova Svetlana Kaldarbekovna	Advocate	Member of the Commission
8	Bogdanova Yulia Alekseevna	Advocate of the Oktiabr district Legal Consult, Member of the Collegiums of Bishkek and Chui region.	Member of the Commission
9	Muratbekovna Saltanat Muratbekovna	Professor of the Constitutional and Municipal Law Faculty of the Kyrgyz State Law Academy	Member of the Commission
10	Sarmanova Baktygul Osmonbekovna	Professor of the Criminal Law Faculty of the Kyrgyz State Law Academy	Member of the Commission

## **Memorandum of Understanding**

### **Between**

**The American Bar Association Rule of Law Initiative (ABA ROLI)**

### **And the Legal Clinics**

#### **1. General provisions**

This Memorandum of Understanding (hereinafter the Memorandum) confirms terms of cooperation between ABA ROLI and legal clinics (“Legal Clinics”) of the following higher-education institutions: International University of Kyrgyzstan (IUK), Jalalabad Law Institute Business and Computer Technologies (JLI), Law Institute of Kyrgyz National University (KNU), Kyrgyz Russian Slavonic University (KRSU), Kyrgyz State Law Academy (KSLA), and Osh State University (OSU). ABA ROLI and the Legal Clinics will be hereinafter referred to as the Parties. This Memorandum does not impose, nor is it intended to impose, any legal commitments on the Parties.

The Parties sign this Memorandum for the purpose of implementation of component two “Equipping the Next Generation of Lawyers with the Practical Legal Skills and Knowledge to Provide Quality Legal Representation to Citizens in Need” of the USAID-funded Support to the Kyrgyzstani Legal Defense Community Program and implementation of the State Policy on the use of new pedagogical technologies and methodologies in law faculties.

#### **2. Cooperation of the parties**

This Memorandum identifies the following areas of mutual cooperation:

- ABA ROLI has signed subgrant agreements (“Subgrant Agreements”) with the Heads of the Legal Clinics for the purpose of acquiring necessary office equipment, providing informational support, as well as conducting other events directed to full-fledged functioning of the Clinics;
- Pursuant to these Subgrant Agreements the Legal Clinics intend to improve the educational level of student clinicians through practical, hands-on legal skills training;
- The Legal Clinics expect to provide quality legal assistance to needy citizens of the Kyrgyz Republic;
- ABA ROLI and the Legal Clinics expect to monitor the provision of legal aid by students, as well as the methodological implementation of the clinical curriculum by teachers/professors.
- The Legal Clinics intend to prepare graduates of the clinical program to serve the legal needs of the public and to find jobs in the legal field;
- ABA ROLI expects to conduct a number of competitions between the Legal Clinics of the abovementioned higher-education institutions;
- With the support of ABA ROLI, it is intended that educational methodologies will be introduced into the curricula of the law faculties of the higher-education institutions;
- ABA ROLI expects to support activities that allow for exchanges of experiences and knowledge between the Parties as a result of participation in seminars, conferences and other events conducted by one or more of the Parties.

#### **3. Mutual understanding of the Parties**

Support to the Kyrgyzstani Legal Defense Community (AID-176-A-12-00001)  
ABA Rule of Law Initiative  
Annual Report, October 2012 – September 2013

Within the framework of the Memorandum, the Parties will follow the legislation of the Kyrgyz Republic, other legislative acts and cooperate with each other on the basis of principles of equal rights, transparency and honesty.

The Parties will cooperate with each other on the issues of implementing the terms of this Memorandum through authorized representatives, delegated by the Parties for consideration of raised issues and implementation of joint activities.

#### **4. Conclusion**

The Parties consider this Memorandum as a declaration of intention urging the Parties to follow the legal and financial obligations on mutual activities; the Parties understand their rights and obligations are as set forth in Subgrant Agreements.

The rules of solving disputes raised during implementation of this Memorandum will be as established by the previously signed grant agreements described in Part 2.

This Memorandum enters into force by signing of the Memorandum by the Parties and will continue in effect until the termination of the project on December 31, 2014.

The text of the Memorandum is made in both the Russian and English languages.

Authorized by ABA ROLI:

\_\_\_\_\_

Authorized representatives of the Legal Clinics:

IUK\_\_\_\_\_

JLI\_\_\_\_\_

KNU\_\_\_\_\_

KRSU\_\_\_\_\_

KSLA\_\_\_\_\_

OSU\_\_\_\_\_

### ***First Hand accounts from Students***

#### ***Chinarbek Kurmanbekov***



“On December 20, 2011 a client turned to our Clinic (KRSU) with request to help in dispute on a mortgage loan agreement. At the time of the client’s turn to the Clinic, she had a decision of the Bishkek City Court in which her claim was not upheld, and she also had to pay a state fee for filing the suit. We compiled an appeal to the Supreme Court of the Kyrgyz Republic on January 19, 2012. The court considered the client's demands and issued an order dated on May 21, 2012 to return the case for a new trial.

After this decision, on December 1, 2012 the client turned to the Clinic again with a request for representation at the Bishkek City Court. As the trial was dragged long I issued an appeal. Shortly before the trial, the defendants offered to make a bargain, and expressed willingness to pay the amount of the debt except for interest and penalties of enforcement seized property from residential premises. So, our demands were changed because the part of the amount was recovered. At the end, the Bishkek City Court granted our request for recovery of the mortgaged property under lien. The case was complicated because it was related to financial issues, but we were able to help a client in restoration of violated rights”.

#### ***Vladimir Gusev***

In 2008 I entered to the Kyrgyz State Law Academy, faculty of International Law. The study at the university was easy for me. In the second year of my study I started participating in various (interuniversity) conferences, quiz games and was sent to abroad to participate in competitions on behalf of the Law Academy. By finishing the third year I was offered to participate in clinical education which was led by the professors of civil, criminal and family laws. To study at the Legal Clinic was very interesting as various clients with various interesting cases addressed to our clinic. By finishing the Clinic I gained a lot of new knowledge and practical skills that I graduated the university with diploma of honor and was awarded with certificate that I successfully graduated the Legal Clinic. At this time I am working and having internship in the State Notary Office in Octiabrski district in Bishkek. I express my gratitude to my professors that gave me a chance to study at the Legal Clinic where I was properly prepared to start my career in jurisprudence.



#### ***Aijan Rasulova***

I am a graduate of the Kyrgyz State Law Academy. I had my internship in the Legal Clinic of this university in 2011. During the internship we participated in many interesting trainings, we were taught on legal ethics. All these knowledge we used in practice while serving the clients under supervision of experienced professors. And, this time the knowledge and skills I gained in the Clinic are great benefit for me in my professional activities in the Ministry of Justice of the Kyrgyz Republic where I am interning.



#### ***Nurmamat kyzy Jidegul***

Support to the Kyrgyzstani Legal Defense Community (AID-176-A-12-00001)  
ABA Rule of Law Initiative  
Annual Report, October 2012 – September 2013



The important thing which the IUK Legal Clinic gave us is understanding to work hard and strive to succeed in everything. And only hard work and efforts will bring success in our life. The Clinical education is really useful for us.

***Daria Hodos***

“I was tasked to lead a case (representation in the court) in winter 2012, though a client turned to the Clinic in 2009. The case was under consideration of the Pervomaiski District Court. Furthermore the case was given to the Leninski District Court according to the jurisdiction. We brought a suit on health damage and moral compensation. With the decision of the Judge the claim was upheld partially. The defendant appealed to the Bishkek City Court but we expressed an objection. The Bishkek City Court remained in force the decision of the Leninski District Court. The defendant was not going to stop with it and appealed to the Supreme Court and we expressed our objection though. On January 25, 2013 the Supreme Court left in effect the decision of the Leninski District Court and the Bishkek City Court. So, the case was led successfully and the client of the Clinic was happy with the work done”.

*Six Kyrgyzstani Universities to Introduce Practical Skills Courses  
September 2013*

This month, six Kyrgyzstani universities will begin to offer three practical skills courses that the ABA Rule of Law Initiative (ABA ROLI) and a working group of Kyrgyzstani legal professionals developed. Expanding its efforts to train Kyrgyzstani law students in lawyering skills, ABA ROLI cooperated with the working group of local professors and lawyers to design the courses. The universities agreed to incorporate the courses into their curricula following the completion of the first drafts in June.



*Law professors receive certificates upon completion of a training session on newly developed practical skills courses. They will be the first professors to offer the course, starting with the Fall 2013 academic year.*

To help complement and strengthen the largely theoretical nature of education in most Kyrgyzstani universities, the courses provide students with hands-on experience and realistic simulations of the work of an attorney. The courses—which address interviewing and consulting with clients, the roles of each party in a legal proceeding and during trial, and defense attorneys’ tactics in pre-trial stages of a proceeding—will enhance participating students’ skills and confidence in practicing law post-graduation.

The working group developed course materials, syllabi, and teaching and study guides for each of the three courses. Members of the working group also assisted ABA ROLI in securing support from the Ministry of Education and offered guidance to the six universities that will offer the courses this fall. They also helped train 12 law professors on the courses’ content and interactive methodology.

The courses will make practical legal training, which previously was offered only in six ABA ROLI-supported legal clinics, available to a greater number of law students. The U.S. Agency for International Development supports the initiative.

*To learn more about our work in Kyrgyzstan, please contact the ABA Rule of Law Initiative at [rol@americanbar.org](mailto:rol@americanbar.org).*

This success story can be found on the ABA ROLI website at:  
[http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/europe\\_eurasia/kyrgyzstan/news/news\\_kyrgyzstan\\_universities\\_introduce\\_practical\\_skills\\_courses\\_0913.html](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/europe_eurasia/kyrgyzstan/news/news_kyrgyzstan_universities_introduce_practical_skills_courses_0913.html)

*Law Students from Five Bishkek-Based Universities Participate in Client-Counseling Competition  
March 2013*

From February 1–2, the ABA Rule of Law Initiative hosted a client-counseling competition for Kyrgyzstani law students. Thirteen teams of two—15 women and 11 men representing five Bishkek-based law schools—took part in the competition. The event gave the participants an opportunity to showcase their interviewing techniques and counseling skills, and to network with each other.



*Students interviewing clients during a counseling competition demonstrated their interpersonal and analytic skills to judges, professors and peers.*

The Kyrgyz Russian Slavic University, the Kyrgyz National University, the International University of Kyrgyzstan and the American University of Central Asia were represented by three teams each, while the Kyrgyz State Law Academy sent one team to the competition. Leading up to the event, supervisors coached participating students in practical skills, case studies, substantive law and technical rules of the competition. Representatives of the legal clinics in Jalalabad and Osh attended the competition as observers to prepare their students to take part in future competitions.

A team from the American University of Central Asia won first place, while a team from the Kyrgyz National University placed second and two teams from the American University of Central Asia placed third.

The first stage of the competition was focused on interviewing skills, testing the student-lawyers' skills in gathering information from a student posing as a client. The top six teams advanced to the second and final stage in which the students consulted with the client and offered solutions to the legal issue at hand. A panel of three judges, including two practicing lawyers and one psychologist, evaluated the students' skills, including their ability to listen, to ask questions, to understand and analyze the legal problem and to clearly present their solutions.

The participants said that the competition helped them hone their skills and prepare to become lawyers. They also expressed interest in taking part in future competitions. One of the participants said that the competition gave them a better understanding of the demands on becoming a practicing lawyer. She said that through the competition they were able to identify their strengths and weaknesses. "This competition encouraged us to work harder," she added.

Organized in cooperation with the legal clinics of six law schools, the event was supported by the U.S. Agency for International Development.

*To learn more about our work in Kyrgyzstan, contact the ABA Rule of Law Initiative at [rol@americanbar.org](mailto:rol@americanbar.org).*

This success story can be found on the ABA ROLI website at:

[http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/europe\\_eurasia/kyrgyzstan/news/news\\_kyrgyzstan\\_client\\_counseling\\_competition\\_0413.html](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/europe_eurasia/kyrgyzstan/news/news_kyrgyzstan_client_counseling_competition_0413.html)

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